

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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L&L WINGS,

Plaintiff,

-v.-

MARCO-DESTIN, INC. et al.,

Defendants.
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

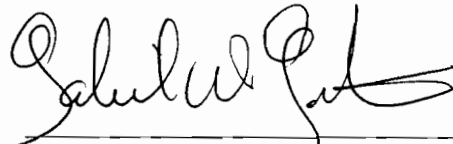
The Court is in receipt of a letter dated July 7, 2008, regarding a discovery dispute. The pre-motion conference requirement is waived. Any motion to compel must be filed on or before July 17, 2008.

With respect to the upcoming deposition, the Court will give the parties the option of proceeding with the deposition or cancelling it. If both parties agree to cancel it, the Court will permit the deposition to take place after the disposition of any timely-filed motion to compel. If both parties do not agree to cancel it, the Court will entertain – at the time of the filing of the motion to compel – any additional application by plaintiff to have some other party (or the subpoenaed individual) bear the costs of a continued deposition in the event the Court grants the motion to compel.

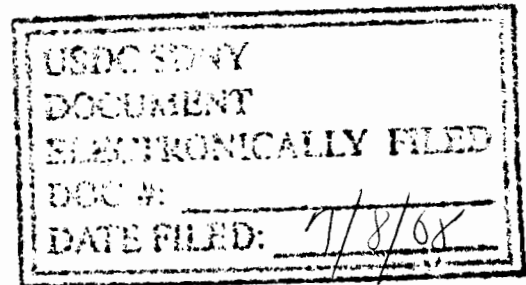
Finally, the parties are reminded of the provisions of Fed. R. Civ. P. 37(a)(5).

SO ORDERED.

Dated: New York, New York
July 8, 2008



GABRIEL W. GORENSTEIN
United States Magistrate Judge



ORDER

07 Civ. 4137 (BSJ) (GWG)